IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Crl.MC.No. 336 of 2007()

MP.313/2007 of JUDL.MAGISTRATE OF FIRST CLASS-I, ERNAKULAM
CRIME NO.25/2007 OF HARBOUR POLICE STATION

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PETITIONER: ACCUSED 7,8 & 9

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1. VELLASWAMI, 7 STREET,
VADIPPETTI VILLAGE, MADURA DT.,
TAMIL NADU NOW RESIDING AT MANDELA ROAD,
PATHALAM, KUTTIKKATTUKARA, ELOOR VILLAGE.

2. ASOKAN, S/O.GANESAN,
DOOR NO. 72, MAIN ROAD, AATHOORKARAYIL,
NAGAPATANAM, TAMIL NADU, RESIDING AT MADELA
ROAD, PATHALAM, ELOOR.

3. SANTHANAM, S/O.KUPPANAN,
DINDIGAL, TAMIL NADU, NOW RESIDING AT
MANDELA ROAD, KUTTIKKATTUKARA, PATHALAM,
ELOOR.

BY ADV. SRI.SHAHUL HAMEED MOOPPAN

RESPONDENTS: COMPLAINANT

STATE-S.I. OF POLICE,
HARBOUR POLICE STATION, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR, SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.336 of 2007

Dated this the 12th day of February 2007

O R D E R

The petitioners are accused 7,8 and 9 and they along with the co-accused face allegations under Section 379 read with 34 I.P.C. The petitioners have been arrested and remain in custody from 30/01/2007. Application for bail was filed by the petitioners and the said petition was allowed by the learned Magistrate subject to conditions. The petitioners have come before this court aggrieved by condition No.4 imposed that the sureties must produce solvency certificates to show their solvency from the concerned authority. This condition is virtually denying the advantage of the order granting bail to the petitioners. The said condition may be deleted and the petitioners may be enabled to come out on bail, submits the learned counsel for the petitioner. Continued insistence on the condition may virtually make it impossible for the petitioner to avail the benefit of the order granting bail. Sufficiently strict and onerous conditions have already been imposed on the petitioners even otherwise and it is not, in these circumstances, necessary to insist on the production

of solvency certificates by the sureties, submits the learned counsel for the petitioner .

2. Notice given. I have heard the learned Public Prosecutor. I am satisfied that the petitioners who have been remaining in custody from 30/01/2007 are justified in making the present grievance. I am of the opinion that the learned Magistrate having already insisted that the sureties must be solvent and that they must produce residence certificate to prove their place of abode, it is not necessary further to insist that the sureties must produce their solvency certificates.

3. In the result, this Criminal Miscellaneous Case is allowed. Condition No.4 imposed on the petitioners is deleted and it is held that it is sufficient that the sureties satisfy the learned Magistrate that they are solvent even without production of the solvency certificates.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006